



## Reduction in Force

Number: H-5

Revision: 1

Effective Date:  
03-16-2009

Pages: 6

### 1.0 POLICY

The Board of Commissions may for reasons of budgetary constraints, organizational needs, or decreased work load, authorize the County Manager to implement this reduction in force policy to separate employees and to eliminate position classifications within a department. The County Manager will base retention of employees in classes affected on the type of appointment, the relative efficiency, skills, knowledge, productivity, and value to the department, and the length of service. The relative weight to be accorded each of these considerations will be determined by the County Manager. Selection decisions are made without regard to race, color, religion, gender, national origin, or age in accordance with federal laws. In implementing a reduction in force, the County Manager will endeavor to provide employees with such notice of separation as may be reasonable under the circumstances, provided that the County Manager may give notice of immediate separation in the event severance compensation is made available to such employees. The County is under no obligation to provide severance compensation to employees separated by a reduction in force, but if provided, such severance shall be in accordance with, and pursuant to approval of the Board of Commissioners.

### 2.0 DEFINITIONS

- 2.1 Affective/Active Position:** Position in which an employee is actively employed at the time of the reduction in force.
- 2.2 Department:** County department or constitutional office.
- 2.3 Probationary Period:** Initial probationary time required to work before achieving full time status. (County Probationary Period of six (6) months, up to nine (9) months.
- 2.4 Secondary Position:** Position in which an employee is not actively employed when he/she becomes subject to a RIF procedure and which is equal to or lower in grade than the active position. A secondary position must be a position for which the employee meets the minimum qualifications.
- 2.5 County Service:** Number of continuous years of service with the County.

**2.6 Temporary Appointment:** A position that is for a temporary basis, with no guaranteed specific time frames of employment.

### **3.0 PROCEDURE / RULE**

**3.1 Need for a Reduction in Force:** A reduction in force may be implemented on a County-wide or departmental specific basis.

- A.** The County or specific department shall implement a reduction in force only when such action is required because of: reorganization, lack of work, lack of funds, and/or the elimination of one or more program functions.
- B.** When the County or specific department has the need to reduce the workforce, the County Manager will issue a reduction in force directive, to include the identification of an applicable severance package as approved by the Board of Commissioners.
- C.** Based on the reduction in force directive from the County Manager, Department Directors shall determine the positions to be reduced or abolished and shall recommend to the Human Resources Director the positions to be eliminated, or if approved by the County Manager, an adjustment of hours worked in order to reduce pay.
- D.** Upon approval of the County Manager, the Human Resources Director and the Department Director shall be responsible for the implementation of the reduction in force.

**3.2 Implementation:** When implementation of a reduction in force directive is required, the following steps shall be taken in the order listed below:

- Step 1:** Normal Attrition/Voluntary Retirement
- Step 2:** Terminations of temporary appointments in affected positions
- Step 3:** Transfers to vacant positions (if qualified)
- Step 4:** Termination of probationary appointments in affected positions
- Step 5:** Layoff of employees in the affected positions

**Step 1: Normal Attrition/Retirement**

- A.** Upon receipt of the determination of the County Manager to implement a reduction in force, the Human Resources Director shall halt the processing of advertising or selection for all positions. No applications will be accepted for any position unless approved by the County Manager.
- B.** Incumbents in affected positions may be asked to consider early retirement. Any decision to utilize an early retirement option shall be the sole prerogative of the employee.

**Step 2: Termination of Temporary Appointments**

Upon a determination by the County Manager that normal attrition will not accomplish the needed results; the directive will be given to the Human Resources Director to implement the termination of temporary appointments.

**Step 3: Transfers to Vacant Funded Positions**

- A.** Upon determination by the County Manager, that termination of temporary appointments shall not fully accomplish the needed results, outstanding vacancies that have not been designated for elimination shall be filled by the transfer of employees whose positions have been designated for reduction in force.
- B.** Employees refusing transfers to the same or similar positions shall be laid off without further consideration.
- C.** When implementing transfers, the ability of employees to perform work assignments shall be assessed and shall be the primary criteria for retention. Employees shall be required to demonstrate their ability during a special probationary period of six (6) months.
- D.** During the special probationary period, the employee's demonstrated performance shall be evaluated by the Department Director and shall be the sole basis of any determination to retain or to terminate employees from employment.

**Step 4: Termination of Probationary Appointments**

- A.** Upon a determination by the County Manager, the transfers to funded vacant positions shall not fully accomplish the needed results, the termination of probationary appointments in affected positions shall commence. Probationary employees in the affected classes shall be given a minimum of ten (10) working days notice prior to termination.

- B. The Human Resources Director shall prepare the written termination notices to all such employees. The Human Resources Director and the Department Director shall meet individually with each affected employee and give the written notice of termination.

**Step 5: Layoff Regular Benefited Employees**

- A. Following the implementation of steps 1 through 4, the layoff of regular benefited employees shall be initiated, if necessary, to complete the reduction specified in the RIF directive of the County Manager.
- B. When positions have been designated for reductions, employees shall be laid off on the basis of service, work performance, attendance and skill set and need.
- C. Any length of leave time (with or without pay) shall not be deducted when calculating service.
  - 1. Probationary service shall be included when calculating permanent service.
  - 2. Service shall be counted on a pro-rated basis for part-time benefited employees.
- D. Attendance, performance, skill set and need will be determined by the Department Director.

**3.3 Exemption from Separation:** A Department Director may request that an employee be exempted from separation, if the following circumstances exist:

- A.
  - 1. The Department Director states that the employee is essential to the efficient operation of the department because of a specific special skill or ability possessed by the individual.
  - 2. The Department Director justifies that separation or displacement of the employee would be detrimental to the financial, public or employee relations posture of the County.
- B. The County Manager shall make the final determination as to whether an employee may be exempted from separation.

**3.4 Notice Period and Severance Package:** Non probationary, benefited, full time employees shall be given a minimum of ten (10) working days notice prior to layoff.

- A. The Human Resources Director shall prepare the written termination notices to all such employees. The Human Resources Director and the Department Director shall meet individually with each affected employee and give the written notice of termination.
- B. Upon receipt of the RIF directive from the County Manager, the Human Resources Director will develop a package of pay, benefits and services available to those who are part of the RIF.
- C. If the Board of Commissions so designates a separation pay to employees, only full time non probationary benefited employees will be eligible for such pay.
- D. Non-probationary employees being separated as a result of a reduction in force shall be scheduled for a transition information session (exit interview) with a representative of the Human Resources Department.
- E. Employees who are laid off under a reduction in force directive shall be entitled to file for unemployment with the local ESC.
- F. Employees who are laid off will be paid accumulated vacation, not to exceed 240 hours.
- G. Employees are entitled to any compensatory time owed at the time of lay off.

**3.5 Reemployment with the County after a Reduction in Force:** All vacant positions will be posted internally for current employees. Full time employees that were laid off due to the Reduction in Force will be notified of the vacancies. Consideration will be given to those who qualify for vacant positions prior to filling the position and prior to any outside recruitment. Current employees and employees affected by the RIF must contact Human Resources to apply for the vacancy. Notification of vacancies will apply for one year from the effective date of the RIF. If an offer of employment is made to an employee who was part of the RIF and the employee is reinstated to service within one year of the RIF, the employee will have sick leave and County service time restored for purposes of determining annual leave eligibility, longevity eligibility and retiree health insurance eligibility in accordance with the appropriate County Policy.

**3.6 Unfair Application of Procedures:** The Human Resources Director, under the direction of the County Manager, shall be responsible for reviewing the records related to the reduction in force procedure and investigate allegations of unfair application of procedures.

- 3.7 Employee Responsibility:** Any employee laid off and placed on a recall list shall be responsible for notifying the Human Resources Department of any change in address or telephone number. The employee is solely responsible for applying for vacant positions as they are notified of the vacancy.

#### **4.0 APPENDIX / APPENDICES**

None.